

11 JAN 2007



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In re Application of :
TAKAMORI, et al. :
Application No.: 10/531,437 : DECISION ON PETITION
PCT No.: PCT/JP03/13201 :
Int. Filing Date: 15 October 2003 : UNDER 37 CFR 1.47(a)
Priority Date: 15 October 2002 :
Atty. Docket No.: 38131 :
For: PORTABLE TYPE ELECTRONIC APPARATUS :

This decision is in response to applicant's "Petition to Accept an Oath or Declaration Under Rule 1.47(a)" filed 20 November 2006 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 20 July 2006, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.497(d). Applicant was afforded two months to file any request for reconsideration and advised that this period could be extended pursuant to 37 CFR 1.136(a).

On 07 November 2006, applicant was mailed a "Notification of Abandonment" (Form PCT/DO/EO/909) informing applicant that the present application was abandoned as to the United States national stage for failure to respond to the decision dated 20 July 2006.

On 20 November 2006, applicant filed the present renewed petition accompanied by a petition for a two-month extension of time and payment of the appropriate extension of time fee. As such, the response is considered timely filed.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant has satisfied all four items.

Regarding item (1), applicant has provided payment of \$200.00 petition fee.

As to item (2), applicant has provided a firsthand account and supporting documentation that on two occasions the non-signing inventor was mailed a complete set of application papers and declaration. Further, when these items were deemed undeliverable, applicant's agent performed an internet search in an attempt to locate a current address. Applicant has provided a firsthand statement as to this search, as well as, the search results.

Regarding item (3), applicant has provided the last known address of the non-signing inventors.

As to item (4), applicant has filed a compliant declaration of the inventors executed by the remaining inventors on their own behalf and on behalf of the non-signing inventors.

Accordingly, it is proper to grant applicant's petition at this time.

CONCLUSION

For the reasons above, applicant's petition under 37 CFR 1.47(a) is **GRANTED**.

The Form PCT/DO/EO/909 mailed 07 November 2006 is hereby **VACATED**.

The application has an international filing date of 15 October 2003 under 35 U.S.C. 363, and will be given a date of **20 November 2006** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

As provided in 37 CFR 1.47(c), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record. A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

The filed amendment and petition under 37 CFR 1.48(b) will be considered by the appropriate group art unit.

This application is being returned to the DO/EO/US for processing in accordance with this decision. Specifically, the mailing of a Notification of Acceptance (Form PCT/DO/EO/903).

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Dear Mr. Kamata:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor. As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternately, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, the law firm of record (see below) would presumably assist you. Joining in the application would entail the filing of the appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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